

# **Single Family Design Guidelines Update Neighborhood Preservation Ordinance Update**

## **Steering Committee**

### **Meeting #13 Notes November 5, 2004**

**Steering Committee members:** Chair Dianne Channing, Vice Chair Brian Barnwell, Bruce Bartlett, Joe Guzzardi, Bill Mahan, Helene Schneider, Richard Six.

**Staff:** Bettie Weiss (City Planner), Jaime Limón (Supervising Planner), Heather Baker (Project Planner), Jason Smart (Intern).

#### **I. Welcome and Introductions**

#### **II. Public Comment for Items Not on the Agenda**

None.

#### **III. Administrative Items**

#### **IV. Good Neighbor Policies: Issue Paper G**

Staff presentation was followed by Steering Committee discussion and public comment. Public commenters included: Steve Amick, Ken Fahn, Steve Metsch, Sally Sphar, Bruce Taylor, and Mina Goena-Welch. Public comments included:

- Homebuyers would not necessarily be made aware of whether prior projects on the property were approved with landscaping conditions, thereby lowering the likelihood that the conditions would be maintained.
- It can be difficult to differentiate landscaping types such as trees and hedges.
- Communication between neighbors is important. Neighbors should be encouraged to talk to each other in order to avoid or resolve contentious issues.
- Privacy issues should not be discussed by the City unless it intends to create a right to privacy in backyards. Such a right would need to be enforced.
- Landscaping is beneficial for protecting privacy but can also block neighbors' views of visual resources such as the ocean.
- The City should define what a good neighbor is because neighbors do not know each other. Landscaping is "mindscape"; open mindscapes should be encouraged.
- Balconies can overlook many non-adjacent properties, and different balcony placements have different impacts on a particular neighboring lot.
- Complete privacy should not be expected in an urban setting.
- In order to ensure privacy in yards, windows would have to be required to not overlook neighboring properties.
- The ABR currently may require mitigation if neighbors object to a deck project.
- Some deck projects are ministerial and require no noticing, limiting neighbors' input.
- It is possible that architecturally desirable lighting fixtures may conflict with the lighting ordinance and guidelines.

The Steering Committee discussed the following overarching themes:

- Good Neighbor Policies and/or requirements should acknowledge the difference between the public realm and the private realm.
- Establishing privacy protection as a condition for project approval would imply the existence of a public right to privacy.
- The Good Neighbor Policies need to be strengthened; however, the policies should not be mandatory. A more appropriate term for the Good Neighbor Policies would be Good Neighbor Guidelines.
- How enforceable are landscape screening conditions?

Staff clarified that currently, when landscape plans are required as part of project plans, they essentially become a condition of project approval. The approved project landscaping is expected to be maintained. The building inspector is responsible for checking that landscaping has been installed per approved plans upon the final building inspection. If an applicant reapplies later for a subsequent permit on a property, staff will check to see that the approved landscaping is being maintained on the property. New owners of a property may not be aware of previously approved landscape plans, which can lead to unapproved landscape alterations. The City does not usually proactively enforce compliance with approved landscape plans, rather complaints must usually be received for landscape plans to be enforced.

The Steering Committee commented that landscaping trees should not be the sole method for protecting privacy. Project architectural design which achieves privacy goals should be considered before landscaping screening.

The Steering Committee made the following comments regarding Issue Paper G recommendations:

**Recommendation #1:** Routinely provide guidelines as a handout to applicants.

Presented by Staff but not discussed.

**Recommendation #2:** Allow project actions based on compliance with Good Neighbor Policies Guidelines.

This recommendation would allow the ABR to deny project based on general non-compliance with the general intent of the Good Neighbor Guidelines, but a project would not be required to comply with each specific Good Neighbor Guideline. The Steering Committee asked questions to understand this concept and appeared to support it, but a final vote was not taken.

**Recommendation #3:** The Steering Committee review changes to Good Neighbor Policy text and proposed graphic content and provide feedback.

- Edit the last paragraph in the “Landscaping” section of the draft updated Good Neighbor Policies to read:

*When window placement creates direct views between neighbors that need to be shielded, such as when a balcony placement may allow a line of sight into a neighbor’s side or rear yard or if an applicant is not able to stagger windows, a landscape plan to provide additional screening ~~is~~ may be required by the ABR.*

- Only reference the Lighting Ordinance and Lighting Guidelines in the Good Neighbor Policies, do not repeat the guidelines.
- Recommended a separate Lighting Ordinance update to better address residential concerns such as the possible effects of non-residential projects on nearby homes.

**Recommendation #4:** Require completion of a compatibility checklist as part of Design Review project applications, similar to the city of Palo Alto compatibility checklist.

**Consensus:** Oppose because project architects and the ABR already address the items that would be included in a compatibility checklist. However, support giving applicants an informational compatibility checklist that would not need to be included in project applications.

The Steering Committee also proposed requiring applicants to post, throughout construction, the building permit as a sign that is visible from the front property line and includes contractor phone contact information.

The Steering Committee also requested that Staff define and create a hierarchical arrangement of the terms “code,” “ordinance,” “policy,” “standard,” and “guideline.”

## **V. Review Upcoming Schedule**

## **VI. Adjourn**

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